

OUTTEN & GOLDEN LLP
Kathleen Peratis (KP 2118)
Carmelyn P. Malalis (CM 3350)
Tammy Marzigliano (TM 2934)
3 Park Avenue, 29th Floor
New York, New York 10016
(212) 245-1000

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CLAUDIA QUINBY,

Plaintiff,

04 Civ. 7406 (WHP) (HP)

– against –

WESTLB AG,

Defendant.

_____x

**DECLARATION OF TAMMY MARZIGLIANO IN SUPPORT OF
PLAINTIFF'S MEMORANDUM OF LAW IN OPPOSITION
TO DEFENDANT'S MOTION TO SHIFT THE COST
OF THE PRODUCTION OF ELECTRONIC DISCOVERY**

I, Tammy Marzigliano, an attorney under penalty of perjury, hereby declare as follows:

1. I am an associate at Outten & Golden LLP, attorneys for Plaintiff Claudia Quinby in the above-referenced action, and an attorney in good standing admitted to practice in the State of New York and before this Court.
2. I make this declaration in connection with Plaintiff's Memorandum of Law in Opposition to Defendant's Motion to Shift the Cost of the Production of Electronic Discovery.
3. I am fully familiar with the facts and circumstances of this matter and I make the representations herein based upon my personal knowledge or upon the documents that are of record in this matter.

4. Plaintiff Claudia Quinby submits this declaration and supporting papers to the Court for an Order denying Defendant WestLB's Motion to Shift the Cost of the Production of Electronic Discovery.
5. Attached hereto as **Exhibit 1** is a copy of Defendant's Objections and Response to Plaintiff's First Request for Production of Documents, dated May 12, 2005.
6. Attached hereto as **Exhibit 2** is a copy of the order issued by Magistrate Judge Henry Pitman on June 22, 2005.
7. Attached hereto as **Exhibit 3** is a copy the affidavit of Stuart Hanley submitted by McDermott Will & Emery pursuant to the Order of Magistrate Judge Henry Pitman dated June 22, 2005.
8. Attached hereto as **Exhibit 4** is a copy of relevant paragraphs of Plaintiff's First Request for Production of Documents, dated February 18, 2005.
9. Attached hereto as **Exhibit 5** is a copy of the letter (without exhibits) from Joel Cohen to The Honorable William H. Pauley III, dated July 25, 2005.
10. Attached hereto as **Exhibit 6** is a copy of the affidavit of Kenneth Bigelow submitted by McDermott Will & Emery dated July 23, 2005 (without exhibit).
11. Attached hereto as **Exhibit 7** is a copy of the letter from Dawn Groman Darringer to The Honorable Henry B. Pitman, dated July 28, 2005 (without exhibit).
12. Attached hereto as **Exhibit 8** is a copy the letter from Andrew Baron to Carmelyn P. Malalis, dated July 29, 2005.
13. Attached hereto as **Exhibit 9** is a copy of the affidavit of David Manber, dated September 30, 2005.
14. Attached hereto as **Exhibit 10** is a copy of the letter from Andrew Baron to Carmelyn P. Malalis, dated August 10, 2005.
15. Attached hereto as **Exhibit 11** is a copy of the e-mail from Kathleen Peratis to Joel Cohen and Andrew Baron, dated September 9, 2005, at 9:01 AM, and a copy of the e-mail from Carmelyn P. Malalis to Joel Cohen and Andrew Baron, dated September 13, 2005, at 11:22 AM.
16. Attached hereto as **Exhibit 12** is a copy of the e-mails between Carmelyn P. Malalis, and Joel Cohen and Andrew Baron, dated September 19, 2005.
17. Attached hereto as **Exhibit 13** is a copy of relevant pages of the transcript from the parties' conference with Magistrate Judge Henry Pitman on August 10, 2005.

18. Attached hereto as **Exhibit 14** is a copy of relevant pages of the transcript of the deposition of Elizabeth “Betsy” Austin, taken on September 28, 2005.
19. Attached hereto as **Exhibit 15** is a copy the Charge of Discrimination filed by Claudia Quinby on July 17, 2003.
20. Attached hereto as **Exhibit 16** is a copy of WLB 000106.
21. Attached hereto as **Exhibit 17** is a copy of relevant excerpts from WestLB’s Record Retention Policies.
22. Attached hereto as **Exhibit 18** is a copy of relevant pages of the transcript of the deposition of Philip Feuerstein, taken on July 14, 2005.
23. Attached hereto as **Exhibit 19** is a copy of the e-mail from Sylvia Rojas Regarding NASD Inquiry - Retention of Documentation, dated September 25, 2002, produced electronically by Defendant as EWL00216816 to 00216817.
24. Attached hereto as **Exhibit 20** is a copy of the webpage *WestLB AG in Brief* (visited Oct. 1, 2005) at <http://www.westlb.de/cms/sitecontent/westlb/ui/en/wir_ueber_uns_standard.gid-N2FkNDZmMzU4OWFmYTlyMWM3N2Q2N2Q0YmU1NmI0OGU_.html>.
25. Attached hereto as **Exhibit 21** is a copy of the Bloomberg from John Schraff to Ted Davis, dated January 29, 2004.
26. Attached hereto as **Exhibit 22** is a copy of the affidavit of Kevin Faulkner, dated September 30, 2005.
27. Attached hereto as **Exhibit 23** is a copy of the e-mail from Kathleen Peratis to Andrew Baron, dated August 11, 2005.
28. I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York
October 3, 2005

/s/ Tammy Marzigliano
Kathleen Peratis (KP 2118)
Carmelyn P. Malalis (CM 3350)
Tammy Marzigliano (TM 2934)
OUTTEN & GOLDEN LLP
3 Park Avenue, 29th Floor
New York, NY 10016
Telephone: (212) 245-1000
Attorneys for Plaintiff

To: Dawn Groman Darringer, Esq.
McDermott Will & Emery
50 Rockefeller Plaza
New York, NY
10020-1605